

2006

# What Happened on Deliberation Day?

Cass R. Sunstein

David Schkade

Reid Hastie

Follow this and additional works at: [https://chicagounbound.uchicago.edu/law\\_and\\_economics](https://chicagounbound.uchicago.edu/law_and_economics)



Part of the [Law Commons](#)

---

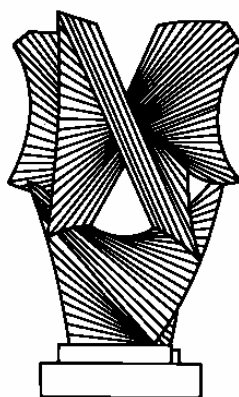
## Recommended Citation

Cass R. Sunstein, David Schkade & Reid Hastie, "What Happened on Deliberation Day?" (John M. Olin Program in Law and Economics Working Paper No. 298, 2006).

This Working Paper is brought to you for free and open access by the Coase-Sandor Institute for Law and Economics at Chicago Unbound. It has been accepted for inclusion in Coase-Sandor Working Paper Series in Law and Economics by an authorized administrator of Chicago Unbound. For more information, please contact [unbound@law.uchicago.edu](mailto:unbound@law.uchicago.edu).

# CHICAGO

JOHN M. OLIN LAW & ECONOMICS WORKING PAPER NO. 298  
(2D SERIES)



## What Happened on Deliberation Day?

*David Schkade, Cass R. Sunstein, and Reid Hastie*

THE LAW SCHOOL  
THE UNIVERSITY OF CHICAGO

June 2006

This paper can be downloaded without charge at:  
The Chicago Working Paper Series Index: <http://www.law.uchicago.edu/Lawecon/index.html>  
and at the Social Science Research Network Electronic Paper Collection:  
[http://ssrn.com/abstract\\_id=911646](http://ssrn.com/abstract_id=911646)

## **What Happened on Deliberation Day?**

David Schkade  
University of California at San Diego

Cass R. Sunstein  
University of Chicago

Reid Hastie  
University of Chicago

### **Abstract**

*What are the effects of deliberation about political issues? This essay reports the results of a kind of Deliberation Day, involving sixty-three citizens in Colorado. Groups from Boulder, a predominantly liberal city, met and discussed global warming, affirmative action, and civil unions for same-sex couples; groups from Colorado Springs, a predominately conservative city, met to discuss the same issues. The major effect of deliberation was to make group members more extreme than they were when they started to talk. Liberals became more liberal on all three issues; conservatives became more conservative. As a result, the division between the citizens of Boulder and the citizens of Colorado Springs were significantly increased as a result of intragroup deliberation. Deliberation also increased consensus, and dampened diversity, within the groups. Implications are explored for the uses and structure of deliberation in general.*

The American constitutional system aspires to be a deliberative democracy—one that combines accountability with a high degree of reflection and reason-giving.<sup>1</sup> Inspired by the deliberative ideal, many people have explored the foundations of political deliberation and its implications for political reform.<sup>2</sup> Indeed, Bruce Ackerman and James Fishkin have gone so far as to suggest a new national holiday, Deliberation Day, on which citizens would deliberate about national issues, in a manner intended to promote political learning and more reasonable judgments.<sup>3</sup> But what is likely to happen on Deliberation Day?

For a Deliberation Day to realize its promise, a reasonable variety of views must be expressed and discussed. Without exposure to competing views, citizens will not be able to engage in a balanced and informed weighing of positions—a prerequisite of deliberation. But sufficient diversity may be unlikely if people engage in voluntary self-sorting, or if citizens are sorted in geographical terms, where sheer demographics may mean that most groups consist largely of like-minded people. To the extent that this is so, groups may well fail to have the requisite diversity on Deliberation Day. And even if considerable diversity exists, it remains possible to question the likely effects of deliberation. Perhaps error rather than truth, or confusion rather than clarity, will ultimately prevail.

To examine those effects, we created an experimental Deliberation Day. On this day, citizens from two cities in Colorado were assembled into five-person groups and asked to deliberate on three of the most contested issues of the time: global warming, affirmative action, and civil unions for same-sex couples. The two cities were Boulder, known to be predominantly liberal, and Colorado Springs, known to be predominantly conservative. Citizens were asked to record their views individually and anonymously; to deliberate together and to reach, if possible, a group decision; and then to record their postdeliberation views individually and anonymously.

What happened on Deliberation Day? The basic answers are simple. First, the groups from Boulder became even more liberal on all three issues; the groups from Colorado Springs became even more conservative. Deliberation thus increased extremism. Second, every group

---

<sup>1</sup> See Joseph Bessette, *The Mild Voice of Reason* (Chicago: University of Chicago Press, 1994); Arthur Lupia and Mathew D. McCubbins, *The Democratic Dilemma: Can Citizens Learn What They Need To Know?* (1998).

<sup>2</sup> See Jürgen Habermas, *Between Facts and Norms* (Cambridge: MIT Press, 1996) (elaborating deliberative conception of democracy); *Deliberative Democracy* (Jon Elster, ed., New York: Cambridge University Press, 1998) (collecting diverse treatments of deliberative democracy); Amy Gutmann & Dennis Thompson, *Democracy and Disagreement* (Cambridge: Harvard University Press, 1996) (defending deliberative democracy and discussing its preconditions).

<sup>3</sup> See Bruce Ackerman and James Fishkin, *Deliberation Day* (New Haven: Yale University Press, 2003).

showed increased consensus, and decreased diversity, in the attitudes of their members. Many of the groups showed substantial heterogeneity before they started to deliberate; as a result of a brief period of discussion, group members showed much more agreement, even in the anonymous expressions of their private views. Third, deliberation sharply increased the differences between the views of the largely liberal citizens of Boulder and the largely conservative citizens of Colorado Springs. Before deliberation began, there was considerable overlap between many individuals in the two different cities. After deliberation, the overlap was much smaller.

The simplest statement of our findings is that deliberation among like-minded people produced *ideological amplification*—an amplification of preexisting tendencies, produced by group discussion. In some forms, ideological amplification has been established in other experimental settings, as we shall see; but it has not been much explored in the context of contested political issues. As we shall also see, our experimental design diverges dramatically from that in related experiments<sup>4</sup>; and in key ways, our design corresponds more closely to the real world of social deliberation.

In this essay, we report the results of our Deliberation Day experiment, attempt to explain those results, and offer some brief remarks on the implications for law and democracy in general. We suggest that the Colorado experiment has analogies in many domains of democratic life. It offers a vivid warning about the consequences of the uncritical promotion of deliberation and suggests the need for careful institutional design of well-functioning democratic processes. Let us begin with the details of the study.

## **I. Deliberation Day in Colorado**

### **A. Procedures**

Sixty-three voting-eligible adults between the ages of 20 and 75 participated; thirty-four were women and twenty-nine were men. Participants were recruited from two counties in Colorado for a study on opinions about social and political issues by a professional survey research firm using random digit dialing. They received \$100 for a two-hour session. The Colorado location was selected purely for logistical convenience. A similar recruitment protocol could have been followed in any state or geographical area.

---

<sup>4</sup> See the treatment of James Fishkin's studies, below.

Half of the sample was drawn from Boulder County, which voted 67% for Democratic candidate John Kerry in the 2004 presidential election, and the other half from El Paso County (Colorado Springs), which voted 67% for Republican candidate George Bush. Participants were also screened to have generally liberal (Boulder) or conservative (Colorado Springs) political views.<sup>5</sup> There were a total of five conservative groups and five liberal groups, with five to seven members each. In each county, participants came to a central location at a local university for the study. In the first session, each person completed an individual questionnaire about his or her personal views on several topics; participants engaged in this task before being informed that they would be part of a group discussion.

After all participants had completed their individual questionnaires, they were moved to a different room and told that they would discuss some of the issues as a group. The following instructions were read aloud by a study administrator:

Next you will meet as a group to discuss some of the topics you just considered in the survey. As a group, your job will be to try to reach a consensus among you about each topic. As an individual, your job is to express your personal opinion on each discussion topic, and to attempt to reach a group consensus through discussion. You will have 15 minutes per topic.

One member of your group has been randomly selected to be the ‘monitor.’ The monitor’s job is to (1) read instructions and questions aloud to the group, (2) make sure the group performs each discussion task in the proper order, (3) set the timer at 15 minutes for each discussion and (4) record the group’s final consensus opinion at the end of each discussion.

The monitor will be given 5 numbered envelopes, which should be opened in numerical order. For instance, the monitor will first open Envelope 1, read the question and instructions inside to the group, and then set the timer for 15 minutes. At the end of the 15 minutes, the monitor will record the ‘Group Consensus Opinion’ (if there is consensus), and then open Envelope 2.

Each discussion should last approximately 15 minutes. **DO NOT** take straw votes until you are close to the end of your time—use the full 15 minutes.

---

<sup>5</sup> Screening questions included the following. (a) “In general, would you describe your political views as very conservative, conservative, moderate, liberal, or very liberal?” (b) “Suppose you were in the voting booth and you came across an office for which two candidates . . . were running and you had never heard of either one. Which candidate would you choose-- the Democrat or the Republican--or would you just not vote for that office?” Grades were also assigned to various people on how they would be as president. The conservative names included Dick Cheney, Wayne Allard (U.S. Senator from Colorado), Rush Limbaugh, Pat Robertson. The liberal names included Edward Kennedy, Hillary Clinton, Jessie Jackson, and John Kerry.

IMPORTANT NOTE: Be sure not to close discussion before everyone has had a chance to talk.

If you understand these instructions, you can open Envelope 1 and begin discussion on the first topic.”

Participants discussed the three issues as a group and tried to reach consensus in fifteen minutes of discussion. After discussion, they filled out another questionnaire in which they re-rated each issue privately as individuals. All discussions were videotaped.

### B. Materials

Each group discussed the same three issues, and every member rated their personal attitudes before and after discussion on a 1 (Disagree Very Strongly) to 10 (Agree Very Strongly) scale.

|                              |                      |          |                      |                      |                   |                   |       |                   |                           |
|------------------------------|----------------------|----------|----------------------|----------------------|-------------------|-------------------|-------|-------------------|---------------------------|
| Disagree<br>Very<br>Strongly | Disagree<br>Strongly | Disagree | Disagree<br>Somewhat | Disagree<br>Slightly | Agree<br>Slightly | Agree<br>Somewhat | Agree | Agree<br>Strongly | Agree<br>Very<br>Strongly |
| 1                            | 2                    | 3        | 4                    | 5                    | 6                 | 7                 | 8     | 9                 | 10                        |

The three issues were:

1. The United States should sign an international agreement to reduce the greenhouse gases produced in this country that contribute to global warming.
2. When different applicants for the same job or educational opportunity are almost equal on relevant criteria, then the job or admission should be given to members of groups in society that have been discriminated against in the past.
3. Two adults of the same sex should be able to form a “civil union,” which would entitle them to certain legal rights such as joint home ownership, or access to the other’s retirement or medical benefits.

The first questionnaire also included demographic information and some filler items.

### C. Results

The recruitment process was successful in assembling groups in Boulder that were, on average, significantly more liberal than those in Colorado Springs in their initial opinions (Table

1). When combined across all three issues, individual prediscussion opinions show substantial differences between the two counties.<sup>6</sup>

**Table 1. Summary of Individual Responses**

BOULDER (liberal groups)

|                    | mean<br>predeliberation | mean<br>postdeliberation | moved<br>down | stayed<br>same | moved<br>up | % groups<br>polarized |
|--------------------|-------------------------|--------------------------|---------------|----------------|-------------|-----------------------|
| Global Warming     | 9.19                    | 9.44                     | 5             | 18             | 8           | 60%                   |
| Affirmative Action | 5.81                    | 6.38                     | 6             | 11             | 15          | 80%                   |
| Civil Unions       | 9.22                    | 9.69                     | 1             | 19             | 12          | 100%                  |
| Overall            | 8.07                    | 8.50                     | 12            | 48             | 35          | 80%                   |

COLORADO SPRINGS (conservative groups)

|                    | mean<br>predeliberation | mean<br>postdeliberation | moved<br>down | stayed<br>same | moved<br>up | % groups<br>polarized |
|--------------------|-------------------------|--------------------------|---------------|----------------|-------------|-----------------------|
| Global Warming     | 5.13                    | 2.97                     | 21            | 7              | 3           | 100%                  |
| Affirmative Action | 2.84                    | 1.61                     | 19            | 10             | 2           | 100%                  |
| Civil Unions       | 2.48                    | 2.19                     | 8             | 18             | 5           | 80%                   |
| Overall            | 3.48                    | 2.26                     | 48            | 35             | 10          | 93%                   |

We now explore the effects of deliberation, separately analyzing the consequences for individual views and the consequences for group decisions.

1. *Individual mean shifts toward extremity.* With respect to the views of individuals, the results showed consistent evidence of ideological amplification. Six groups produced individual means that shifted in the same direction as the general leaning of the group for all three issues, and the other four groups did so on two of the three issues. There were a total of thirty group discussions (ten groups X three issues per group). Overall, then, twenty-six of thirty discussions (87%) produced ideological amplification in individual judgments. (An analysis of the medians produced essentially identical results.)

<sup>6</sup> A repeated measures ANOVA showed that there were highly significant differences between the two samples in their predeliberation opinions on the issues to be discussed:  $F(1,61) = 234.3, p < .001$ , This difference was separately significant for each of the three issues (each issue  $p < .001$ ).



This pattern of amplification is confirmed in a more formal analysis. For all individuals, we subtracted prediscussion opinions from postdiscussion opinions on each issue to produce an attitude shift “difference score.” For the liberal groups, a positive difference would represent amplification and for the conservative groups it would be a negative difference, which is exactly what we observe (Table 1). This difference between counties is highly significant,  $F(1,61) = 56.1$ ,  $p < .001$ , and is separately significant for each issue (global warming  $p < .001$ , affirmative action  $p < .001$  and civil unions  $p < .02$ ). Thus we clearly observe a shift toward more extreme opinions in groups of both ideologies, but in opposite directions.

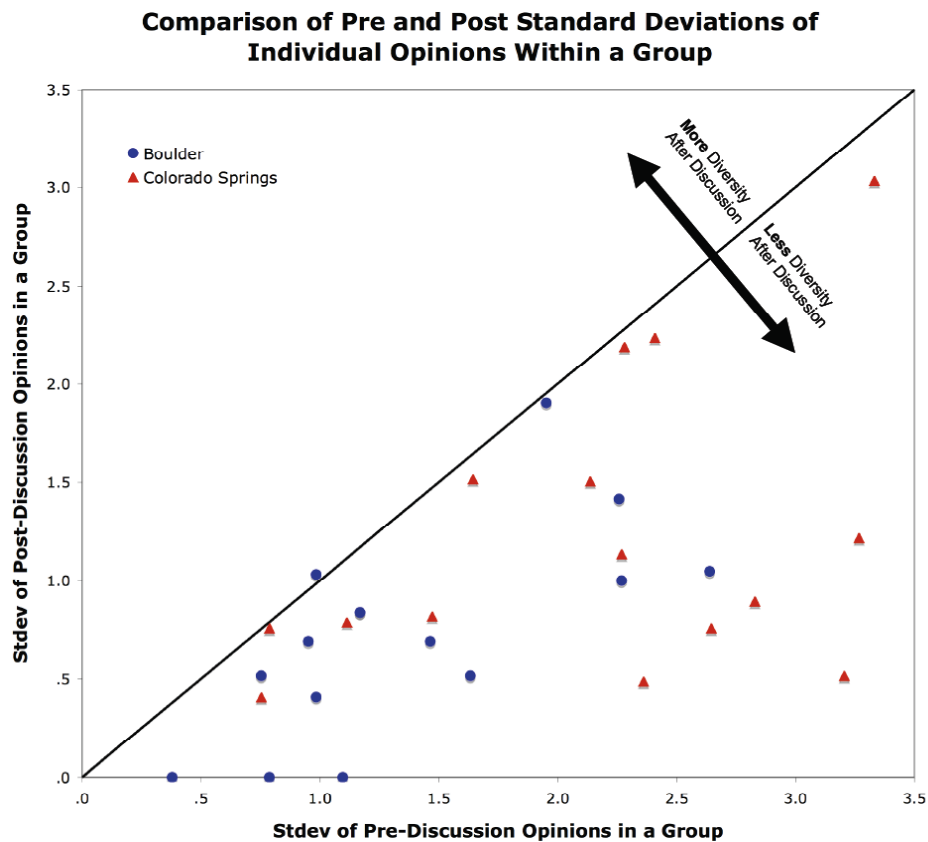
There is a small but statistically significant tendency for the conservative groups to shift their opinions more, after discussion, than do the liberal groups ( $p < .01$ ). However, it would be a mistake to pay much attention to this difference. While some groups would undoubtedly shift more than others, the difference found here is probably an artifact of the fact that on global warming and civil unions, liberal groups were so extreme at the beginning that there was little room for them to move after discussion (Table 1).

2. *Differentiation: The gap between liberals and conservatives.* Liberals and conservatives have different opinions and beliefs about many social and political issues, and it is no surprise that they might come our study with differences on the particularly salient and controversial issues we chose for discussion (see Table 1 and footnote 5 above). What is the effect of deliberation, by like-minded groups, on those differences? The answer is simple: Because of the ideological amplification resulting from the group process, the initial gulf between opinions in the two counties (8.07 for Boulder vs. 3.48 for Colorado Springs, a difference of 4.59) grew far wider (8.50 for Boulder vs. 2.26 for Colorado Springs, a now much larger difference of 6.24,  $p < .001$ ).

3. *Reduced internal diversity.* Another important question about deliberation is whether participants will converge or diverge during the process. A common method for measuring diversity in opinions is by their standard deviation. For our Deliberation Day, the result is clear: The diversity of opinion within our groups (as measured by the standard deviation of their ratings on an issue) was markedly lower after deliberation (Figure 1). The standard deviation of individual opinions in the group was lower after deliberation for twenty-nine of the thirty group-issue combinations, and fell from a median of 1.17 predeliberation to .69 post ( $z = 4.7$ ,  $p < .001$ , by a sign test). In other words, deliberation promoted intra-group homogeneity.

If we look across groups within a county, a similar pattern can be found: the standard deviation among groups in Boulder declined from .67 to .51, and in Colorado Springs from .85 to .76. After deliberation, the opinions of even different groups of people from the same place were more similar—despite not talking with each other. Overall, then, deliberation created more homogeneity of opinion within a location.

**Figure 1. Opinion Diversity Declines After Deliberation**



4. *Group decisions.* What is the relationship between individual views, predeliberation, and the views of deliberating groups? This question is of independent interest, because much of the time, what matters is what groups think and do as such, not only what their members think and do as individuals. The basic answer is that group decisions were more extreme than the mean or median of predeliberation judgments.

Overall, twenty-five of thirty groups (83%) reached a consensus decision on a numerical scale response within fifteen minutes—ten of ten on global warming, seven of ten on affirmative action and eight of ten on civil unions. Among the twenty five group-issue combinations on

which a consensus was reached, nineteen groups (76%) reached a consensus decision that was more extreme than the mean predeliberation individual opinion of group members (the same figure holds for median predeliberation responses).

## II. Explanations and Implications

On Deliberation Day, liberals grew more liberal, and conservatives grew more conservative; within groups, internal diversity was diminished; and the gap between liberals and conservatives grew. Why did this happen?

### A. Conformity, Ideological Amplification, and Group Polarization

1. *Polarization in general.* When people discuss their beliefs and preferences in groups, consensus is almost certain to increase. The increase in conformity occurs both because of basic conformity or herding habits<sup>7</sup> and also because when people share information, opinions, and arguments, adjustments in points of view will occur.<sup>8</sup> More strikingly, a typical effect of discussion is group polarization, by which deliberating groups end up in a more extreme position in line with their predeliberation tendencies.<sup>9</sup> On Deliberation Day, group polarization occurred in the particular form of ideological amplification. Indeed, we find unmistakable evidence of that phenomenon in the political domain.

This is a noteworthy finding, because most studies of group polarization do not involve politics at all. The original experiments involved risk-taking behavior, with a demonstration that risk-inclined people became still more risk-inclined as a result of deliberation.<sup>10</sup> With respect to business-related decisions, groups seemed to be willing to take risks that their individual members would avoid.<sup>11</sup> Later studies showed that under some conditions the “risky shift” could

---

<sup>7</sup> Solomon Asch, *Opinions and Social Pressure*, in *Readings About the Social Animal* 13 (Elliott Aronson ed.) (New York: W.H. Freeman, 1995); Festinger, 1954; Muzafer Sherif, *An Experimental Approach to the Study of Attitudes*, 1 *Sociometry* 90 (1937). A good outline can be found in Lee Ross and Richard Nisbet, *The Person and the Situation* 28-30 (New York: McGraw Hill, 1991).

<sup>8</sup> Daniel Gigone and Reid Hastie, *Proper Analysis of the Accuracy of Group Judgment*, 121 *Psych. Bulletin* 149, 161-62 (1997); Reid Hastie, *Review Essay: Experimental Evidence of Group Accuracy, in Information Pooling and Group Decision Making* 129, 133-46 (Bernard Grofman & Guillermo Owen eds., 1983) (Greenwich: JAI Press).

<sup>9</sup> See Roger Brown, *Social Psychology: The Second Edition* (1985); Cass R. Sunstein, *The Law of Group Polarization*, 10 *J. Polit Phil* 175 (2002).

<sup>10</sup> See Stoner, J. A. F. *A comparison of individual and group decision involving risk.* Unpublished master's thesis, Massachusetts Institute of Technology, 1961.

<sup>11</sup> *Id.*

be a “cautious shift,” as risk-averse people become more averse to risks after they talk with one another.<sup>12</sup> The direction of the “shift” was related to the domain of experience in which the risky choice was embedded. The principal examples of “cautious shifts” involved the decision whether to marry and the decision whether to board a plane despite severe abdominal pain, possibly requiring medical attention.<sup>13</sup> In these cases, deliberating groups moved toward caution, as did the members who composed them.

The best predictor of the direction of the shift turned out to be the predeliberation median. Where group members were disposed toward risk, a risky shift was observed. Where members were disposed toward caution, a cautious shift was observed. Hence group polarization refers to the tendency of deliberating groups to shift in a more extreme position in line with their predeliberation tendency. Ideological amplification, as we use the term here, is best understood as a special case of group polarization.

In the behavioral laboratory, group polarization has been found for a remarkably wide range of questions. Group deliberation produces more pronounced views on the attractiveness of people shown in slides; it also occurs for obscure factual questions, such as how far Sodom (on the Dead Sea) is below sea level.<sup>14</sup> Even burglars show a shift, in the cautious direction, when they discuss prospective criminal endeavors.<sup>15</sup>

In the domain of law, there is considerable evidence of group polarization as well. In punitive damages cases, for example, deliberating juries appear to polarize, producing awards that are often higher than those of the median juror before deliberation begins.<sup>16</sup> Group polarization occurs for judgments of guilt and sentencing in criminal cases.<sup>17</sup> With respect to legal questions, panels of appellate judges polarize too; both Republican and Democratic appointees show stronger ideological tendencies when sitting on panels consisting entirely of judges appointed by presidents of the same political party.<sup>18</sup> There is some evidence of group

---

<sup>12</sup> Moscovici, S., & Zavalloni, M. (1969). The group as a polarizer of attitudes. *Journal of Personality and Social Psychology* 12, 125-135

<sup>13</sup> See *id.*

<sup>14</sup> *Id.*

<sup>15</sup> Paul Cromwell et al., Group effects on decision-making by burglars, 69 *Psychological Reports* 579, 586 (1991).

<sup>16</sup> See David Schkade et al., *Deliberating About Dollars: The Severity Shift*, 100 *Colum L Rev* 1139 (2000).

<sup>17</sup> Kaplan, Martin F. Group-induced polarization in simulated juries. *Personality and Social Psychology Bulletin*. Vol 2(1) Winter 1976, 63-66.; Kaplan, Martin F. Discussion polarization effects in a modified jury decision paradigm: Informational influences. *Social Psychology Quarterly*. Vol 40(3) Sep 1977, 262-271.

<sup>18</sup> See Cass R. Sunstein, David Schkade, Lisa Ellman, and Andres Sawicki, *Are Judges Political? An Empirical*

polarization in issues that bear directly on politics. As a result of deliberation, French people become more distrustful of the United States and its intentions with respect to foreign aid.<sup>19</sup> So too, feminism can become more attractive to women after internal discussions.<sup>20</sup> White people who are not inclined to show racial prejudice show less prejudice after deliberation than before; but white people who are inclined to show such prejudice show more prejudice after deliberation.<sup>21</sup>

2. *Sorting versus mixing.* On our Deliberation Day, people were sorted into like-minded groups, and geography greatly simplified this sorting. Such sorting was a central part of our design, because we were interested in the effects of deliberations within and across like-minded groups. But it is natural to ask what would have happened if there had been a degree of mixing—if people from Colorado Springs had participated in groups with people from Boulder. Existing work suggests two possible outcomes. First, and most likely, the predeliberation median would have been predictive here as well.<sup>22</sup> Suppose, for example, that a group of five people tended to oppose civil unions for same-sex couples, because four members sharply opposed them and two members were mildly in favor of them. In that event, the group would probably move in the direction of greater opposition, notwithstanding a degree of internal heterogeneity. What matters is the predeliberation median, not the existence or extent of such heterogeneity.<sup>23</sup> Note in this regard that many of our groups began with some antecedent heterogeneity, and they nonetheless moved in the way predicted by previous group polarization research.

The second possibility is that positions will be entrenched, with group members showing a reluctance to listen to those with identifiably competing position. Polarization may not be found when the relevant group consists of individuals drawn equally from two extremes,<sup>24</sup> and “familiar and long-debated issues do not depolarize easily.”<sup>25</sup> Recall that ideological amplification occurs on the federal judiciary—but on the issues of capital punishment and

---

Investigation of the Federal Judiciary (2006); Cass R. Sunstein, David Schkade, and Lisa Ellman, Ideological Voting on Federal Courts of Appeals: A Preliminary Investigation, 90 Va L Rev 301 (2004).

<sup>19</sup> Roger Brown, *Social Psychology: The Second Edition* 224 (New York: The Free Press, 1985).

<sup>20</sup> Norbert L. Kerr et al., Bias in Judgment: Comparing Individuals and Groups, 103 *Psychol. Rev.* 687, 689, 691–93 (1996).

<sup>21</sup> See *id.*

<sup>22</sup> See Brown, *supra* note.

<sup>23</sup> See Schkade et al., *supra* note (finding that the predeliberation median predicts movements, even when there is considerable internal diversity).

<sup>24</sup> See H. Burnstein, Persuasion As Argument Processing, in *Group Decision Making* (H. Brandstetter, J.H. Davis, and G. Stocker-Kreichgauer eds., 1982).

<sup>25</sup> Brown, *supra*, at 226.

abortion, Republican appointees are not affected by sitting with two Democratic appointees, and Democratic appointees are impervious to the influences of two Republican appointees.<sup>26</sup> Within deliberating groups, entrenchment is more likely if group membership is specifically announced or otherwise made salient. For most political issues, on which people do not have rigidly determined positions, social influences and hence polarization are more typical.

### **B. Explaining Polarization—and Its Limits**

Why does group polarization occur? There are several reasons.<sup>27</sup> The first and perhaps most important involves informational influences. It is both fortunate and true that most people are willing to listen to both the conclusions and the arguments offered by other people. In any group with some initial inclination, the views of most people in the group will inevitably be skewed in the direction of that inclination. Suppose, for example, that most people in a group believe that civil unions for same-sex couples are a bad idea. As a statistical matter, the arguments favoring that initial position will be more numerous than the arguments pointing in the other direction. Individuals will have heard of some, but not all, of the arguments that emerge from group deliberation. As a result of hearing the various arguments, deliberation will lead people toward a more extreme point in line with what group members initially believed. Through this process, many minds can polarize, and in exactly the same direction. Informational influences had an evident influence on Deliberation Day in Colorado.

The second explanation involves social influences.<sup>28</sup> Sometimes people's publicly stated views are, to a greater or lesser extent, a function of how they want to present themselves. People usually want to be perceived favorably by other group members. Once they hear what others believe, some will adjust their positions at least slightly in the direction of the dominant position, to present themselves in the way that they prefer. In a liberal group, for example, movements in the liberal direction will be favored and, for this reason, all members might end up leaning somewhat more to the left. This explanation fits well with the changes that we observed.

The third explanation stresses the close links between confidence, extremism, and corroboration by others.<sup>29</sup> If people lack confidence, they will tend toward the middle, and hence

---

<sup>26</sup> See Sunstein et al., *supra* note.

<sup>27</sup> See Brown, *supra* note, at 212–22, 226–45; Robert Baron et al., Social Corroboration and Opinion Extremity, 32 *J Experimental Soc. Psych.* 537 (1996)..

<sup>28</sup> See *id.*

<sup>29</sup> See Baron et al., at 557–59 (showing that corroboration increases confidence and hence extremism).

avoid the extremes. As people gain confidence, they usually are willing to become more extreme in their beliefs. Agreement from others tends to increase confidence, and in this way like-minded people, having deliberated with one another, become more sure that they are right and thus more extreme. In a wide variety of experimental contexts, people's opinions have been shown to become more extreme simply because their views have been corroborated, and because they have become more confident after learning that others share their views.<sup>30</sup>

A great deal of work suggests that group polarization is heightened when people have a sense of shared identity, and this point helps to suggest yet another explanation of polarization.<sup>31</sup> People may polarize because they are attempting to conform to the position that they see as typical within their own group. If their group's identity is especially salient or important, the in-group norms "are likely to become more extreme so as to be more clearly differentiated from outgroup norms, and the within-group polarization will be enhanced."<sup>32</sup> When Democrats or Republicans become polarized, the desire to ensure intergroup differentiation is likely to be a motive. In our own experiment, involving global warming, affirmative action, and civil unions, many groups were all the more prone to polarization when their internal discussions referred to some group with whom they disagreed, such as "the liberals."

Thus, there are at least four social-cognitive processes that feed into the intensification and extremification of beliefs that make up the polarization effect: informational pressure, conformity effects, social confidence, and group membership identification. An understanding of these processes suggest the circumstances in which polarization might not occur on Deliberative Day. In particular, interventions that involve external administrators, or independent flows of information, might produce different kinds of shifts.

In highly influential work, for example, James Fishkin has pioneered the idea of a "deliberative opinion poll," in which small groups, consisting of highly diverse individuals, are asked to come together and to deliberate about various issues.<sup>33</sup> Deliberative opinion polls have now been conducted in several nations, including the United States, England, and Australia. Fishkin finds some noteworthy shifts in individual views; but he does not find a systematic tendency toward polarization. In his studies, individuals shift both toward and away from the

---

<sup>30</sup> *Id.* at 541, 546–47, 557 (concluding that corroboration of one's views has effects on opinion extremity).

<sup>31</sup> See Brown, at 209–11; Turner, at 159–70; Joel Cooper et al., at 259, 269–70.

<sup>32</sup> Brown, *supra* note, at 210.

<sup>33</sup> See James S. Fishkin, *The Voice of the People* (New Haven: Yale University Press, 1995).

median of predeliberation views. In England, for example, deliberation led to reduced interest in using imprisonment as a tool for combating crime.<sup>34</sup> The percentage believing that “sending more offenders to prison” is an effective way to prevent crime went down from 57% to 38%; the percentage believing that fewer people should be sent to prison increased from 29% to 44%; belief in the effectiveness of “stiffer sentences” was reduced from 78% to 65%.<sup>35</sup> Similar shifts were shown in the direction of greater enthusiasm for procedural rights of defendants and increased willingness to explore alternatives to prison. In other experiments with the deliberative opinion poll, shifts included a mixture of findings, with larger percentages of individuals concluding that legal pressures should be increased on fathers for child support (from 70% to 85%) and that welfare and health care should be turned over to the states (from 56% to 66%).<sup>36</sup>

On some issues, the effect of deliberation was to create an increase in the intensity with which people held their preexisting convictions.<sup>37</sup> These findings, a form of ideological amplification, are consistent with the prediction of group polarization. But in deliberative opinion polls, this was hardly a uniform pattern. On some questions, deliberation increased the percentage of people holding a minority position (with, for example, a jump from 36% to 57% of people favoring policies making divorce “harder to get”).<sup>38</sup> These are not the changes that would be predicted by group polarization.

At least two factors distinguish the deliberative opinion poll from our Deliberation Day. First, Fishkin’s groups were overseen by a moderator, concerned to ensure a level of openness and likely to alter some of the dynamics discussed here. Second, and probably more important, Fishkin’s studies presented participants with a set of written materials that attempted to be balanced and that contained detailed arguments supporting sides. The likely consequence would be to move people in different directions from those that would be expected by simple group discussion, unaffected by external materials inevitably containing a degree of authority.

It is difficult to know, in advance and in the abstract, how any particular group will

---

<sup>34</sup> Id. at 206-07.

<sup>35</sup> Id.

<sup>36</sup> Fishkin and Luskin, *supra* note, at 23.

<sup>37</sup> See *id.* at 22-23 (showing a jump, on a scale of 1 to 4, from 3.51 to 3.58 in intensity of commitment to reducing the deficit); a jump, on a scale of 1 to 3, from 2.71 to 2.85 in intensity of support for greater spending on education; showing a jump, on a scale of 1 to 3, from 1.95 to 2.16, in commitment to aiding American business interests abroad).

<sup>38</sup> Id. at 23. See also *id.* at 22 (showing an increase, on a scale of 1 to 3, from 1.40 to 1.59 in commitment to spending on foreign aid; also showing a decrease, on a scale of 1 to 3, from 2.38 to 2.27 in commitment to spending on social security).



respond to any particular set of materials, even one that attempts to be balanced. And it would be valuable to attempt to conduct deliberative opinion polls with testable hypotheses—suggesting, for example, that deliberating groups might reach the right answer on questions that have answers that can be shown to be right. Our only suggestion here is that on political issues, the likely result for deliberating groups, unaccompanied by an external moderator or a set of independent arguments, is amplification of preexisting views.

### C. Implications

Does ideological amplification lead to accurate or inaccurate answers? Do deliberating groups err when they polarize? No general answer would make sense. Everything depends on the relationship between the correct answer and the group's predeliberation tendencies. If the group is leaning toward the right answer, polarization might lead them directly to the truth. But there are no guarantees here. When individuals are leaning in a direction that is mistaken, the mistake will be amplified by group deliberation.

Consider some results from domains in which mistakes and biases can be identified without taking a controversial stand on normative issues. When most people are prone to make conjunction errors (believing that A and B are more likely together than A or B alone), group processes lead to more errors, not fewer.<sup>39</sup> With respect to questions with correct answers, deliberating groups tend to do about as well as or slightly better than their average member—but not as well as their best members, and they do not reliably answer correctly.<sup>40</sup> Group polarization occurs when jury members are biased as a result of pretrial publicity; the jury as a group becomes more biased than individual jurors were.<sup>41</sup> This is polarization in action, and it produces large blunders. Hence it is possible to show that in many domains, the consequence of

---

<sup>39</sup> Norbert L. Kerr et al., *Bias in Judgment: Comparing Individuals and Groups*, 103 *Psychol. Rev.* 687, 692 (1996).

<sup>40</sup> See Daniel Gigone and Reid Hastie *Proper Analysis of the Accuracy of Group Judgment*, 121 *Psych. Bulletin* 149, 161-62 (1997) (summarizing findings that groups do not perform as well as best members); Reid Hastie, *Review Essay: Experimental Evidence of Group Accuracy*, in *Information Pooling and Group Decision Making* 129, 133-46 (Bernard Grofman & Guillermo Owen eds., 1983) (Greenwich: JAI Press). To the same effect, see Garold Stasser & Beth Dietz-Uhler, *Collective Choice, Judgment, and Problem Solving*, in *Blackwell Handbook of Group Psychology: Group Processes* 31, 49-50 (Michael A. Hogg & R. Scott Tindale eds., Oxford: Blackwell Publishing, 2001) (collecting findings).

<sup>41</sup> Robert J. MacCoun, *Comparing Micro and Macro Rationality*, in *Judgments, Decisions, and Public Policy* 116, 127-28 (Rajeev Gowda & Jeffrey C. Fox eds., Cambridge: Cambridge University Press, 2002).

deliberation is to perpetuate and even to amplify individual mistakes.<sup>42</sup> When individuals show a high degree of bias, groups are likely to be more biased, not less biased, than their median or average member.<sup>43</sup>

We do not contend that every Deliberation Day will have the same results as Deliberation Day in Colorado. But in any nation that shows political segregation along geographic lines, similar outcomes should be expected. It is plausible to suggest that some nations, including the United States, operate to some extent as a collection of special interest enclaves<sup>44</sup> in which people are especially likely to associate and deliberate with others who agree with them. To the extent that migration patterns produce more homogeneous subcultures, routine exposure to diverse opinions may become less likely. Similar results might be produced by the rise of highly specialized sources of information, above all the Internet, which make it increasingly easy for people to avoid opinions that differ from theirs.<sup>45</sup> Indeed, there is a well-documented tendency for people to seek information that confirms their existing beliefs and to avoid or devalue disconfirming information (“confirmation bias”).<sup>46</sup> The ease of finding confirmatory evidence is likely to accelerate the balkanization of opinion.

As Fishkin’s studies suggest, it should be possible to structure deliberation in such a way as to diminish the likelihood of polarization; neutral arbiters, providing information and helping to manage discussion, might have a substantial effect.<sup>47</sup> Various efforts to “prime” participants might influence the effects of deliberation. If participants are reminded of the attacks on 9/11, or of events that cast a favorable or unfavorable light on certain positions or even officials, they might be affected, perhaps in a way that will diminish the effects found here. But whatever the effects of such priming, Deliberation Day in Colorado offers important cautionary notes about the consequences of deliberation on political judgments.

---

<sup>42</sup> William P. Bottom et al., Propagation of Individual Bias Through Group Judgment: Error in the Treatment of Asymmetrically Informative Signals, 25 *J. Risk & Uncertainty* 147, 152–54 (2002).

<sup>43</sup> See MacCoun, *supra* note.

<sup>44</sup> Abramowitz AI, Alexander B, Gunning M [Incumbency, redistricting, and the decline of competition in US House elections](#) *JOURNAL OF POLITICS* 68 (1): 75-88 FEB 2006

<sup>45</sup> See Cass R. Sunstein, *Republic.com* (Princeton: Princeton University Press, 2000), for discussion.

<sup>46</sup> See Nickerson, R.S. (1998). Confirmation bias: A ubiquitous phenomenon in many guises. *Review of General Psychology*, 2, 175-220.

<sup>47</sup> See James Fishkin, *The Voice of the People* (New Haven: Yale University Press, 1990).

### **III. Conclusion**

On Deliberation Day, liberals became more liberal and conservatives became more conservative. On the large issues of the day, discussions by like-minded people fueled greater extremism, and also increased divisions between liberals and conservatives. At the same time, both liberal and conservative groups became more homogenous; deliberation reduced internal diversity. There is every reason to believe that results of this kind occur not simply in experimental settings, but in many domains in which citizens engage in political discussions with one another. Those who seek to foster broader deliberation, or to celebrate deliberative conceptions of democracy, might do well to keep these points in view.

Readers with comments should address them to:

Professor Cass R. Sunstein  
University of Chicago Law School  
1111 East 60th Street  
Chicago, IL 60637  
[csunstei@uchicago.edu](mailto:csunstei@uchicago.edu)

Chicago Working Papers in Law and Economics  
(Second Series)

For a listing of papers 1–174 please go to Working Papers at <http://www.law.uchicago.edu/Lawecon/index.html>

175. Douglas G. Baird, In Coase's Footsteps (January 2003)
176. David A. Weisbach, Measurement and Tax Depreciation Policy: The Case of Short-Term Assets (January 2003)
177. Randal C. Picker, Understanding Statutory Bundles: Does the Sherman Act Come with the 1996 Telecommunications Act? (January 2003)
178. Douglas Lichtman and Randal C. Picker, Entry Policy in Local Telecommunications: *Iowa Utilities* and *Verizon* (January 2003)
179. William Landes and Douglas Lichtman, Indirect Liability for Copyright Infringement: An Economic Perspective (February 2003)
180. Cass R. Sunstein, Moral Heuristics (March 2003)
181. Amitai Aviram, Regulation by Networks (March 2003)
182. Richard A. Epstein, Class Actions: Aggregation, Amplification *and* Distortion (April 2003)
183. Richard A. Epstein, The "Necessary" History of Property and Liberty (April 2003)
184. Eric A. Posner, Transfer Regulations and Cost-Effectiveness Analysis (April 2003)
185. Cass R. Sunstein and Richard H. Thaler, Libertarian Paternalism Is Not an Oxymoron (May 2003)
186. Alan O. Sykes, The Economics of WTO Rules on Subsidies and Countervailing Measures (May 2003)
187. Alan O. Sykes, The Safeguards Mess: A Critique of WTO Jurisprudence (May 2003)
188. Alan O. Sykes, International Trade and Human Rights: An Economic Perspective (May 2003)
189. Saul Levmore and Kyle Logue, Insuring against Terrorism—and Crime (June 2003)
190. Richard A. Epstein, Trade Secrets as Private Property: Their Constitutional Protection (June 2003)
191. Cass R. Sunstein, Lives, Life-Years, and Willingness to Pay (June 2003)
192. Amitai Aviram, The Paradox of Spontaneous Formation of Private Legal Systems (July 2003)
193. Robert Cooter and Ariel Porat, Decreasing Liability Contracts (July 2003)
194. David A. Weisbach and Jacob Nussim, The Integration of Tax and Spending Programs (September 2003)
195. William L. Meadow, Anthony Bell, and Cass R. Sunstein, Statistics, Not Memories: What Was the Standard of Care for Administering Antenatal Steroids to Women in Preterm Labor between 1985 and 2000? (September 2003)
196. Cass R. Sunstein, What Did *Lawrence* Hold? Of Autonomy, Desuetude, Sexuality, and Marriage (September 2003)
197. Randal C. Picker, The Digital Video Recorder: Unbundling Advertising and Content (September 2003)
198. Cass R. Sunstein, David Schkade, and Lisa Michelle Ellman, Ideological Voting on Federal Courts of Appeals: A Preliminary Investigation (September 2003)
199. Avraham D. Tabbach, The Effects of Taxation on Income Producing Crimes with Variable Leisure Time (October 2003)
200. Douglas Lichtman, Rethinking Prosecution History Estoppel (October 2003)
201. Douglas G. Baird and Robert K. Rasmussen, Chapter 11 at Twilight (October 2003)
202. David A. Weisbach, Corporate Tax Avoidance (January 2004)
203. David A. Weisbach, The (Non)Taxation of Risk (January 2004)
204. Richard A. Epstein, Liberty versus Property? Cracks in the Foundations of Copyright Law (April 2004)
205. Lior Jacob Strahilevitz, The Right to Destroy (January 2004)
206. Eric A. Posner and John C. Yoo, A Theory of International Adjudication (February 2004)
207. Cass R. Sunstein, Are Poor People Worth Less Than Rich People? Disaggregating the Value of Statistical Lives (February 2004)
208. Richard A. Epstein, Disparities and Discrimination in Health Care Coverage; A Critique of the Institute of Medicine Study (March 2004)
209. Richard A. Epstein and Bruce N. Kuhlik, Navigating the Anticommons for Pharmaceutical Patents: Steady the Course on Hatch-Waxman (March 2004)
210. Richard A. Epstein, The Optimal Complexity of Legal Rules (April 2004)
211. Eric A. Posner and Alan O. Sykes, Optimal War and *Jus Ad Bellum* (April 2004)
212. Alan O. Sykes, The Persistent Puzzles of Safeguards: Lessons from the Steel Dispute (May 2004)
213. Luis Garicano and Thomas N. Hubbard, Specialization, Firms, and Markets: The Division of Labor within and between Law Firms (April 2004)
214. Luis Garicano and Thomas N. Hubbard, Hierarchies, Specialization, and the Utilization of Knowledge: Theory and Evidence from the Legal Services Industry (April 2004)
215. James C. Spindler, Conflict or Credibility: Analyst Conflicts of Interest and the Market for Underwriting Business (July 2004)
216. Alan O. Sykes, The Economics of Public International Law (July 2004)
217. Douglas Lichtman and Eric Posner, Holding Internet Service Providers Accountable (July 2004)
218. Shlomo Benartzi, Richard H. Thaler, Stephen P. Utkus, and Cass R. Sunstein, Company Stock, Market Rationality, and Legal Reform (July 2004)

219. Cass R. Sunstein, Group Judgments: Deliberation, Statistical Means, and Information Markets (August 2004, revised October 2004)
220. Cass R. Sunstein, Precautions against What? The Availability Heuristic and Cross-Cultural Risk Perceptions (August 2004)
221. M. Todd Henderson and James C. Spindler, Corporate Heroin: A Defense of Perks (August 2004)
222. Eric A. Posner and Cass R. Sunstein, Dollars and Death (August 2004)
223. Randal C. Picker, Cyber Security: Of Heterogeneity and Autarky (August 2004)
224. Randal C. Picker, Unbundling Scope-of-Permission Goods: When Should We Invest in Reducing Entry Barriers? (September 2004)
225. Christine Jolls and Cass R. Sunstein, Debiasing through Law (September 2004)
226. Richard A. Posner, An Economic Analysis of the Use of Citations in the Law (2000)
227. Cass R. Sunstein, Cost-Benefit Analysis and the Environment (October 2004)
228. Kenneth W. Dam, Cordell Hull, the Reciprocal Trade Agreement Act, and the WTO (October 2004)
229. Richard A. Posner, The Law and Economics of Contract Interpretation (November 2004)
230. Lior Jacob Strahilevitz, A Social Networks Theory of Privacy (December 2004)
231. Cass R. Sunstein, Minimalism at War (December 2004)
232. Douglas Lichtman, How the Law Responds to Self-Help (December 2004)
233. Eric A. Posner, The Decline of the International Court of Justice (December 2004)
234. Eric A. Posner, Is the International Court of Justice Biased? (December 2004)
235. Alan O. Sykes, Public vs. Private Enforcement of International Economic Law: Of Standing and Remedy (February 2005)
236. Douglas G. Baird and Edward R. Morrison, Serial Entrepreneurs and Small Business Bankruptcies (March 2005)
237. Eric A. Posner, There Are No Penalty Default Rules in Contract Law (March 2005)
238. Randal C. Picker, Copyright and the DMCA: Market Locks and Technological Contracts (March 2005)
239. Cass R. Sunstein and Adrian Vermeule, Is Capital Punishment Morally Required? The Relevance of Life-Life Tradeoffs (March 2005)
240. Alan O. Sykes, Trade Remedy Laws (March 2005)
241. Randal C. Picker, Rewinding *Sony*: The Evolving Product, Phoning Home, and the Duty of Ongoing Design (March 2005)
242. Cass R. Sunstein, Irreversible and Catastrophic (April 2005)
243. James C. Spindler, IPO Liability and Entrepreneurial Response (May 2005)
244. Douglas Lichtman, Substitutes for the Doctrine of Equivalents: A Response to Meurer and Nard (May 2005)
245. Cass R. Sunstein, A New Progressivism (May 2005)
246. Douglas G. Baird, Property, Natural Monopoly, and the Uneasy Legacy of *INS v. AP* (May 2005)
247. Douglas G. Baird and Robert K. Rasmussen, Private Debt and the Missing Lever of Corporate Governance (May 2005)
248. Cass R. Sunstein, Administrative Law Goes to War (May 2005)
249. Cass R. Sunstein, Chevron Step Zero (May 2005)
250. Lior Jacob Strahilevitz, Exclusionary Amenities in Residential Communities (July 2005)
251. Joseph Bankman and David A. Weisbach, The Superiority of an Ideal Consumption Tax over an Ideal Income Tax (July 2005)
252. Cass R. Sunstein and Arden Rowell, On Discounting Regulatory Benefits: Risk, Money, and Intergenerational Equity (July 2005)
253. Cass R. Sunstein, Boundedly Rational Borrowing: A Consumer's Guide (July 2005)
254. Cass R. Sunstein, Ranking Law Schools: A Market Test? (July 2005)
255. David A. Weisbach, Paretian Intergenerational Discounting (August 2005)
256. Eric A. Posner, International Law: A Welfarist Approach (September 2005)
257. Adrian Vermeule, Absolute Voting Rules (August 2005)
258. Eric Posner and Adrian Vermeule, Emergencies and Democratic Failure (August 2005)
259. Douglas G. Baird and Donald S. Bernstein, Absolute Priority, Valuation Uncertainty, and the Reorganization Bargain (September 2005)
260. Adrian Vermeule, Reparations as Rough Justice (September 2005)
261. Arthur J. Jacobson and John P. McCormick, The Business of Business Is Democracy (September 2005)
262. Adrian Vermeule, Political Constraints on Supreme Court Reform (October 2005)
263. Cass R. Sunstein, The Availability Heuristic, Intuitive Cost-Benefit Analysis, and Climate Change (November 2005)
264. Lior Jacob Strahilevitz, Information Asymmetries and the Rights to Exclude (November 2005)
265. Cass R. Sunstein, Fast, Frugal, and (Sometimes) Wrong (November 2005)
266. Robert Cooter and Ariel Porat, Total Liability for Excessive Harm (November 2005)
267. Cass R. Sunstein, Justice Breyer's Democratic Pragmatism (November 2005)
268. Cass R. Sunstein, Beyond Marbury: The Executive's Power to Say What the Law Is (November 2005, revised January 2006)
269. Andrew V. Papachristos, Tracey L. Meares, and Jeffrey Fagan, Attention Felons: Evaluating Project Safe Neighborhoods in Chicago (November 2005)

270. Lucian A. Bebchuk and Richard A. Posner, One-Sided Contracts in Competitive Consumer Markets (December 2005)
271. Kenneth W. Dam, Institutions, History, and Economics Development (January 2006)
272. Kenneth W. Dam, Land, Law and Economic Development (January 2006)
273. Cass R. Sunstein, Burkean Minimalism (January 2006)
274. Cass R. Sunstein, Misfearing: A Reply (January 2006)
275. Kenneth W. Dam, China as a Test Case: Is the Rule of Law Essential for Economic Growth (January 2006)
276. Cass R. Sunstein, Problems with Minimalism (January 2006)
277. Bernard E. Harcourt, Should We Aggregate Mental Hospitalization and Prison Population Rates in Empirical Research on the Relationship between Incarceration and Crime, Unemployment, Poverty, and Other Social Indicators? On the Continuity of Spatial Exclusion and Confinement in Twentieth Century United States (January 2006)
278. Elizabeth Garrett and Adrian Vermeule, Transparency in the Budget Process (January 2006)
279. Eric A. Posner and Alan O. Sykes, An Economic Analysis of State and Individual Responsibility under International Law (February 2006)
280. Kenneth W. Dam, Equity Markets, The Corporation and Economic Development (February 2006)
281. Kenneth W. Dam, Credit Markets, Creditors' Rights and Economic Development (February 2006)
282. Douglas G. Lichtman, Defusing DRM (February 2006)
283. Jeff Leslie and Cass R. Sunstein, Animal Rights without Controversy (March 2006)
284. Adrian Vermeule, The Delegation Lottery (March 2006)
285. Shahar J. Dilbary, Famous Trademarks and the Rational Basis for Protecting "Irrational Beliefs" (March 2006)
286. Adrian Vermeule, Self-Defeating Proposals: Ackerman on Emergency Powers (March 2006)
287. Kenneth W. Dam, The Judiciary and Economic Development (March 2006)
288. Bernard E. Harcourt: Muslim Profiles Post 9/11: Is Racial Profiling an Effective Counterterrorist Measure and Does It Violate the Right to Be Free from Discrimination? (March 2006)
289. Christine Jolls and Cass R. Sunstein, The Law of Implicit Bias (April 2006)
290. Lior J. Strahilevitz, "How's My Driving?" for Everyone (and Everything?) (April 2006)
291. Randal C. Picker, Mistrust-Based Digital Rights Management (April 2006)
292. Douglas Lichtman, Patent Holdouts and the Standard-Setting Process (May 2006)
293. Jacob E. Gersen and Adrian Vermeule, *Chevron* as a Voting Rule (June 2006)
294. Thomas J. Miles and Cass R. Sunstein, Do Judges Make Regulatory Policy? An Empirical Investigation of *Chevron* (June 2006)
295. Cass R. Sunstein, On the Divergent American Reactions to Terrorism and Climate Change (June 2006)
296. Jacob E. Gersen, Temporary Legislation (June 2006)
297. David A. Weisbach, Implementing Income and Consumption Taxes: An Essay in Honor of David Bradford (June 2006)
298. David Schkade, Cass R. Sunstein, and Reid Hastie, What Happened on Deliberation Day? (June 2006)